

FRA Regulations & RCL Operations

Q&As

(revised February 2009)

Q-1. As a remote control operator (RCO), am I required to be certified the same as a locomotive engineer?

A. **Yes.** The engineer certification regulation requires that anyone who moves a locomotive must be certified. There are two exceptions: 1) when operating a locomotive(s) within the confines of a locomotive repair or servicing area (no cars attached); and 2) when moving a locomotive(s) for distances of less than 100 feet for inspection and maintenance purposes.

Note: The term “locomotive engineer” as defined in the regulation means any person who moves a locomotive or group of locomotives regardless of whether they are coupled to other rolling equipment. (49 CFR 240.7)

Q-2. What is required for certification?

A. The railroad must evaluate the employee’s safety conduct. This is accomplished by reviewing the employee’s work records, state and federal motor vehicle operator records, and the employee’s compliance with drug and alcohol regulations. The employee must also meet certain hearing and visual acuity standards and pass a written knowledge test (rules test) and a skills performance test [demonstrate skills to operate a remote control locomotive (RCL) to a designated supervisor of locomotive engineers]. (49 CFR 240.203)

Q-3. I was convicted of a DWI four years ago. Will this affect my certification status?

A. **No.** The regulation prohibits the railroad from considering information that occurred more than 36 months from the month in which the certification decision will be made. [49 CFR 240.115(b)]

Q-4. I had my driver’s license suspended for speeding. Will this affect my certification status?

A. **No.** The railroad is only allowed to consider a conviction or completed state action that resulted in a license suspension for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance, or for refusing to undergo such testing. [49 CFR 240.115(b)]

Q-5. I am a new hire and had my driver’s license suspended for a DWI two years ago. What will happen when the railroad discovers this during the motor vehicle operator records check?

A. The railroad is required to provide this information to the railroad's EAP Counselor and refer you for an evaluation to determine if you have an active substance abuse disorder. If the evaluation determines that you do not have a substance abuse problem, nothing further will occur. If it is determined that you do have an active substance abuse disorder, you will be required to complete a program of treatment before you are eligible for certification again. [49 CFR 240.115(c)]

Q-6. I am currently certified as an RCO and was picked up last night for a DWI. Am I required to notify the railroad?

A. **No.** Your license has not been officially revoked until you plead guilty or you go to trial and are found guilty. [49 CFR 240.115 and 240.111(b)]

Q-7. Referring to the same scenario above, I plead guilty and I am convicted of the DWI offense. Am I required to take any action?

A. **Yes.** You must report this information to the railroad **within 48 hours** of the conviction or completed state action. [49 CFR 240.111(h)]

Q-8. What is required before I can be issued a student certificate?

A. The only requirement to obtain a student certificate is to pass a hearing and visual acuity examination. [49 CFR 240.203(b)]

Q-9. What if I fail the hearing and visual acuity test?

A. You are entitled to a retest. If you fail the retest, it is still possible to be certified if the railroad's medical examiner, after consultation with the railroad's DSLE, concludes that you can still operate safely. This is purely elective on the railroad's part and is usually tied to collective bargaining agreements addressing medical and physical fitness issues. The railroad may issue you a certificate with special restrictions if recommended by the medical examiner. (49 CFR 240.121)

Q-10. Do I have any restrictions with a student certificate?

A. **Yes.** You can only operate under the direct and immediate supervision of a certified and qualified instructor. Another RCO could fill this position if experienced and knowledgeable enough to provide adequate instruction and training. [49 CFR 240.107(c)(3)]

Q-11. How far away from the instructor can I be while operating the RCL?

A. The instructor must be close enough to monitor your performance and take immediate corrective action in the event of an emergency. To put this into perspective, under traditional locomotive operations, the instructor engineer is not

allowed to leave the cab of the locomotive while the student is operating. This would prevent the engineer from placing the train into emergency in the event of trouble. Some railroads provide the instructor with a means to place the RCL into emergency if the student gets into trouble. This would allow the instructor to be some distance from the student. FRA considers this acceptable. However, in each and every case, the instructor must be able to observe the student and his or her actions to properly monitor the student's activities. While riding the point on a move, this could not be accomplished if the student was on one side of the car and the instructor was on the other side. If both the student and instructor were riding the same side of the car (on each end) and the instructor had the ability to stop the move, this would meet the intent of the regulation.

Q-12. What type of training can I expect to receive as an RCO?

A. Until recently, the majority of RCL training programs consisted of approximately 80 hours of classroom and on-the-job training. However, during the latter part of 2008, the major railroads (BNSF, CN, CSX, KCS, NS, UP) implemented new RCL training programs that were jointly developed by FRA , Rail Labor, and Rail management. The new programs contain task lists that will be furnished to RCO Students. The students will practice each task a predetermined number of times and will then be required to demonstrate proficiency in that task. The instructor will be required to sign off on each task completed. This type of training will ensure that the students are trained on all the tasks they are expected to perform as an RCO. These task lists are considered Federal documents and should be completed properly. These programs have been submitted to FRA and have all been approved.

Q-13. What if I encounter a specific task or movement I was not trained to perform:

A. No training is all inclusive. You may encounter moves you have not actually performed, but have made similar moves that provide you with sufficient operating experience to make the move safely. However, if you are confronted with a move you have no idea how to handle, notify the railroad for guidance.

Q-14. Can I operate from the cab of the locomotive and can I sit in the engineer's seat?

A. **Yes.** There is nothing in the regulation that prohibits you from occupying the cab of the locomotive while performing RCL operations. However, you should not operate the locomotive from its control stand unless you were specifically trained to do so. If you are performing a train movement (leaving the yard for some other location), you should be located in the cab, out of harms way, and in a position to observe the air gauges and speed recorder during the movement.

Q-15. Can I leave the yard and operate on the main track or an industrial lead?

A. Yes. However, there are certain limitations on the types of trains that can be hauled using the current RCL technology (see the letter included at the end of this document) and you must be properly trained for these moves. FRA has taken the position that any move that requires a brake test under Part 232 becomes a train movement rather than a switching movement. Railroads have air brake and train handling instructions to govern engineers operating trains. These instructions are currently incompatible with RCL technology. Therefore, railroads must develop instructions governing RCOs operating RCL trains. The RCOs must be trained on these instructions and trained on the routes they will travel. The amount of training time will depend on the operations involved and should be arrived at through the collaborative efforts of local labor and management.

Q16. Can I ride on the side of a car while operating the RCL?

A. Yes. However, FRA leaves that decision to the RCO who best knows the conditions at the time. FRA believes that employees are empowered to determine when it is safe to ride a car and when it is not. FRA's safety advisory initially recommended against this practice with the understanding that an RCO would be required to manipulate two controls simultaneously to control speed while attempting to hold onto the side of a car while riding it. However, the newer technology incorporated a speed control system that allowed the RCO to dial in a speed and maintain three to four points of contact (the industry standard is three) with the car. Remember – you control the move, if you are unsure about clearance or other conditions ahead, STOP THE MOVEMENT and get off the car.

Q-17. As an RCO, can I have my certification revoked?

A. Yes. You are subject to the same penalties as any other engineer.
[49 CFR 240.117(c)(1)]

Q-18. If I am accused of committing a rule violation, can the railroad just revoke my certification without an opportunity for a hearing?

A. No. Following an alleged rule violation, the railroad is obligated to take the following actions: 1) based upon reliable information, suspend your certification pending an investigation of the incident; 2) notify you of the reasons for the suspension; and 3) inform you that you are entitled to a certification hearing under the regulation. You must be afforded a hearing before your certificate is revoked. [49 CFR 240.307(b)]

Q-19. Is a hearing always required for a certificate revocation to occur?

A. No. Similar to most collective bargaining agreements, you can waive your right to a certification hearing and accepting responsibility for the incident. However, in order for the waiver to be valid under the regulation it must: 1) be in

writing; 2) reflect the fact that you are waiving your right to a Federal certification hearing; and 3) be signed by you. [49 CFR 240.307(f)]

Note: You cannot appeal a revocation if you waive the hearing because there is no hearing record available to review the facts of the incident!

Q-20. If the railroad revokes my certification, do I have the right to appeal this decision?

A. **Yes.** The regulation contains a dispute resolution process. You have 120 days from the date on the railroad's revocation decision letter to file a petition with FRA's Locomotive Engineer Review Board. [49 CFR 240.401(d), 240.403, and 240.405]

Q-21. The RCL operations on my railroad involve a "pitch and catch" operation. There are two RCOs assigned to one locomotive. If for some reason a decertifiable event occurs, such as the locomotive passing a stop signal, will both assigned RCOs be subject to decertification?

A. **No.** Only the RCO operating the RCL at the time of the incident would be subject to decertification. However, if the non-operating RCO or another certified individual is functioning as a pilot or instructor, he or she could also be held responsible and subject to decertification.

Q-22. The man-down tilt feature located on the remote control transmitter (beltpack) that the RCO wears activates each time I bend over beyond a 45-degree angle. I find this feature bothersome and time consuming to deal with. If I purposely attach the beltpack to myself in such a fashion that the device will not activate when I bend over, am I in violation of any regulation?

A. **Yes.** This feature is considered a safety device and is covered by FRA tampering regulations (49 CFR 218.57). Tampering with a safety device or knowingly operating a locomotive with the device cutout is a decertifiable event. When in doubt about beltpack securement issues, contact the railroad for guidance! [49 CFR 240.117(e)(5)].

Q-23. In a pitch & catch operation, if one beltpack fails, can the operation continue with one beltpack?

A. **Yes.** Neither FRA's safety advisory nor any Federal regulation prohibits a one-beltpack operation. However, it is expected that the crew would initiate a thorough job briefing to ensure that each member of the crew understands his or her new responsibilities.

Q-24. If I am a certified engineer who has been set back as a conductor, do I need the same training as a noncertified employee in order to operate RCLs?

- A. No. Your training could be significantly reduced since you already possess train handling skills. The training programs vary from railroad to railroad. Some railroads require all employees to complete the entire training program, while others have developed a 2-3 day RCL training program for engineers.
- Q-25. I am an RCO who has not worked an RCL assignment for several months. Do I need some refresher training before I can work an RCL assignment again?
- A. The railroad should have a policy in place to address this issue. Generally, a short absence from RCL may not be an issue, depending on the initial experience gained after certification. However, if an individual only worked a few weeks as an RCO after certification, and then bid off the job or was bumped to a non-RCL job for several months, the RCO may need some refresher training when coming back to an RCL job. If the technology features have changed significantly since the RCO was last trained, additional training in that area may be warranted as well depending on the nature of the changes. Under most circumstances, RCOs are given a qualifying trip or two with an RCL crew to refamiliarize them with the operation of the equipment.
- Q-26. Whom can I contact if I have questions pertaining to RCL operations and Federal regulations?
- A. You can contact John Conklin by telephone at 202-493-6318 or by email at john.conklin@dot.gov.

WORK SAFELY AND BE SAFE!



U.S. Department
of Transportation

**Federal Railroad
Administration**

1120 Vermont Ave., N.W.
Washington, D.C. 20590

FEB 23 2007

Mr. Edward R. Hamberger
President
Association of American Railroads
50 F Street NW
Washington, DC 20001-1564

Dear Mr. Hamberger:

In 2005, the Federal Railroad Administration (FRA) offered guidelines to the railroad industry for remote control locomotive (RCL) main track terminal operations. The guidelines were issued in a letter dated September 9, 2005, from FRA's associate administrator for safety to the Association of American Railroads and the American Short Line and Regional Railroad Association.

The FRA guidelines for RCL movements outside of yard switching operations were as follows:

- Maximum locomotive horsepower of 3,000 working HP with a maximum of 8 axles;
- Maximum train length of 1,000 feet (about 20 cars);
- Maximum train speed of 15 mph;
- Prohibited from operating on grades of 0.5 percent or greater that extended more than ¼ mile.

The letter also stated that, "While these criteria have the status of recommendations and as such are subject to discussion and adaptation, it will be necessary to determine that reasonable limits are being set in practice or FRA will have to take more definitive action." In keeping with the spirit of this language, the Union Pacific Railroad Company (UP) contracted with Rail Sciences Incorporated (RSI) to further evaluate RCL operations. RSI conducted computer simulations and recommended updates to the original FRA guidelines based on the results of the analysis. Suggested updates were first identified in an RSI report dated December 10, 2005, and subsequently supported in an additional report dated August 22, 2006. FRA staff carefully reviewed each report and provided comments directly to RSI and UP. RSI incorporated FRA's comments and submitted a revised report dated December 27, 2006, for final review.

The operational guidelines proposed by RSI for RCL main track terminal operation were modified and restated in the December 27, 2006, report as follows:

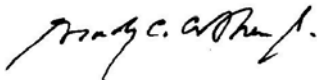
- Locomotive consist should not exceed 6,000 total working horsepower, utilizing no more than 12 actual axles;
- Train length (excluding locomotives) should not exceed 3,000 feet;
- Train tonnage (excluding locomotives) should not exceed 4,000 tons;
- Train should not exceed a total of 50 conventional cars and/or platforms;
- No more than 20 multilevel (autorack) cars, regardless of whether they are loaded or empty, may be in the train. Any continuous block of more than 5 multilevel (autorack) cars must be placed at the rear of the train;
- Train speed should not exceed 15 mph;
- Movements should be restricted from operating on any grade greater than 1.0 percent that extends for more than ½ mile.

The FRA examined the December 27, 2006, RSI report and analysis and concluded that the RSI simulation analysis is complete and adequately simulates the types of operation that would be encountered in actual RCL main track terminal operations. The RSI report supports the suggested RCL main track terminal operation guidelines. FRA believes that the report's conclusions and the guidelines proposed appear to be generally sound and appropriate for RCL main track terminal operations. However, FRA recognizes that these guidelines may not be feasible or suitable for every operation and strongly recommends that railroads carefully evaluate their application prior to implementation.

As discussed in our previous meetings, FRA expects RCL operators to be fully trained and qualified to conduct these operations in accordance with Title 49 Code of Federal Regulations Part 240.

FRA will be happy to discuss RCL main track terminal operations or RCL training in greater detail if you have further questions. Please contact Mr. John Conklin, manager of locomotive certification, or Mr. Robert Lauby, senior system safety engineer. Mr. Conklin can be reached at (202) 493-6318, or via e-mail: John.Conklin@dot.gov; and Mr. Lauby can be reached at (202) 493-6474, or via e-mail: Robert.Lauby@dot.gov.

Sincerely,



Jo Jo Strang
Associate Administrator for Safety